

Section 62

ADMINISTRATION, PERMITS AND FEES

Sections:

- 62.010 Administration and enforcement - Planning director authority.**
- 62.020 Planning director-Plan application checking- Notice of noncompliance.**
- 62.030 Permit requirements.**
- 62.040 Permit issuance-Conformity with regulations required.**
- 62.050 Permits issued contrary to title deemed void.**
- 62.060 Expiration of land use permits.**
- 62.070 Stop-work order-Planning director authority.**
- 62.080 Enforcement-Planning director.**
- 62.090 Permits and installation of improvements.**
- 62.100 Fee schedule.**

62.010 Administration and enforcement - Planning director authority.

A. The planning director, or his/her designated representative, shall administer and enforce this title. He may be provided with the assistance of such other persons as the planning director may direct and those assistants shall have essentially the same responsibilities as directed by the planning director.

B. If the planning director shall find that any of the provisions of this title are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this title to insure compliance with or prevent violation of its provisions.

62.020 Planning director-Plan application checking-Notice of noncompliance.

A. It is the intent of this title that the planning director shall check all plans and applications for permits for compliance with this title both before and during construction.

B. If, during this procedure, the planning director deems that the proposed plan or construction does not comply with this title, he shall inform the applicant of the infraction and shall stop all construction on the project until such time as the applicant, builder or principal revises his plan to conform to this title and/or fulfills the requirements of any mandated review procedure(s) as set forth in this title.

62.030 Permit requirements.

No building or other structure shall be erected, moved, added to or structurally altered and no land use shall be changed without valid permits as prescribed in this section.

A. Bozeman Building Permit. Within the limits of the city extraterritorial building permits jurisdictional area, building permits shall be obtained by following the latest version of the Uniform Building Code (International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California) adopted by the city of Bozeman.

B. The building permit shall be obtained by application to the city building official. Applications shall be accompanied by plans in duplicate, drawn to scale showing the actual dimensions and shape of the lot to be built upon, the legal description of the parcel; the exact sizes and location on the lot(s) of buildings already existing, if any; the location and dimensions of the proposed buildings or alternatives, and two copies of the approved site plan or sketch plan as approved under Sections 52, 53, 54, etc. of this title.

C. One copy of the plans shall be returned to the applicant after the building official and planning director have marked each copy either as approved or disapproved and attested to same by their signatures. The second copy similarly marked shall be retained by the building division.

D. Approval of any plan that has been granted based upon false information provided by the applicant shall be deemed void.

E. Land Use Permit shall be obtained by application to the planning department. Applications shall be accompanied by elevation plans and floor plans, drawn to scale showing the actual dimensions and shape of the lot to be built upon, the legal description of the parcel; the exact sizes and location on the lot(s) of buildings already existing, if any; the location and dimensions of the proposed buildings or alternatives, and two copies of the approved site plan or sketch plan as approved under Sections 52, 53, 54, etc. of this title. Prior to occupancy, a certificate of compliance shall be obtained by application to the planning department.

62.040 Permit issuance-Conformity with regulations required.

No permit, or license of any type shall be issued unless in conformance with the regulations contained within this title. Permits issued on the basis of plans and applications approved by the planning director authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this title, punishable as provided in Section 70.

62.050 Permits issued contrary to title deemed void.

Any permit, or any authorization issued, granted, or approved in violation of the provisions of this title shall be null and void and of no effect without the necessity of any

proceedings or a revocation or nullification thereof, and any work undertaken or use established pursuant to any such permit or other authorization shall be unlawful.

62.060 Expiration of land use permits.

Every permit issued under the provisions of this title shall expire by limitation and become null and void if the building or work authorized by such permit has not commenced within one hundred eighty (180) days from the date of such permits, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced, a new permit shall first be obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for the work; and provided further that such suspension or abandonment has not exceeded one year.

Amended Resolution 2001-09

62.070 Stop-work order-Planning director authority.

Whenever any building work is being done contrary to the provisions of this title, the planning director shall order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the planning director to proceed with the work.

62.080 Enforcement-Planning director.

This title shall be enforced by the planning director and his authorized representatives. No permit or business or occupational use license shall be issued, except in compliance with the provisions of this title.

62.090 Permits and installation of improvements.

The purpose of this section is to establish the requirements for the scheduling and installation of all on-site and off-site improvements which are required as per the standards set forth in this code, or which are required as a result of any conditions which may be applied to the approval of any project through the appropriate review process. Such improvements may include but are not limited to design elements such as landscaping, parking facilities, storm drainage facilities, architectural features, pedestrian walkways, and public utilities.

A. Only minor site surface preparation and normal maintenance shall be allowed prior to conditional approval by the appropriate review authority and the issuance of a permit, providing that such activity does not include excavation for foundations or the removal of mature, healthy vegetation. Upon conditional approval by the appropriate review authority, excavation for foundations and the preparation of forms may occur, however, no concrete shall be poured and no further construction shall commence until final site or sketch plan approval has been granted and until permits have been issued.

B. *Subsection deleted.*

Amended Resolution 2001-09

C. The applicant may enter into an improvements agreement with the county. Detailed cost estimates and construction plans of all required on-site and off-site improvements shall be made a part of the agreement.

Amended Resolution 2001-09

D. No permit shall be issued for any building or use for which site plan or sketch plan approval is required unless such approval has been obtained. Except as provided for in subsection E of this section, no occupancy shall be permitted or certificate of occupancy issued unless the terms and details of an approved site or sketch plan are met. The planning department shall conduct an "as-built" inspection to verify compliance and shall sign off on a certificate of occupancy if all terms and details of the approval are complied with.

E. If occupancy of the structure or commencement of the use is to occur prior to installation of the required improvements, the improvements agreement, described in subsection C above, must be secured by a method of security equal to one and one-half times the amount of the estimated cost of the scheduled improvements not yet installed. The method of security shall be valid for a period of not less than twelve months from occupancy; however, all on-site and off-site improvements shall be completed by the applicant within nine months of occupancy or the security shall be forfeited to the county for the purpose of installing or contracting for the installation of the required improvements.

F. In those instances where occupancy is to occur before the installation of all required improvements, the staff shall determine which, if any, of the required improvements must be installed prior to occupancy. Such determinations shall be based on a finding that unsafe or hazardous conditions will be created or perpetuated without the installation of certain improvements or that the property will have an unacceptable adverse impact on adjoining properties until such improvements are installed.

G. When all provisions are met for occupancy of a facility or commencement of a use prior to the installation of all improvements, the official may issue a temporary certificate of occupancy which allows occupancy of the facility on a temporary basis for a period not to exceed nine (9) months. When all required improvements are installed in compliance with all terms and details of the site or sketch plan approval, the temporary occupancy permit shall be withdrawn and a permanent certificate of occupancy shall be issued according to the provisions of this section.

62.100 Fee schedule.

A. The commission shall establish a schedule of fees, charges and expenses and a collection procedure for permits, appeals, and other matters pertaining to this title. The schedule of fees shall be set from time to time by the commission. The fees shall be posted in the office of the planning director and may be altered or amended only by the commission.